

**REMARKS**

Applicant has carefully reviewed the Office Action dated February 10, 2005. Claims 1-11 and 13-20 are pending in this application. Applicant has amended Claims 1, 4 and 11 and has canceled Claims 13 and 14 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 4, 11, 13 and 14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. It is with respect to the use of the term “launch signal.” This has been amended to correct the antecedent basis problem. Therefore, Applicant respectfully requests the withdrawal of the 35 U.S.C. §112 rejection with respect to the remaining of Claims 4, 11, 13 and 14.

Claims 11, 13, and 14 stand rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential elements. Claim 11 has been amended to incorporate the limitation that the sound is audible and Claims 13 and 14 have been canceled. Therefore, Applicant believes that this rejection is overcome, the withdrawal of which is respectfully requested.

Claims 1-7, 16-18 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Stern et al.*, U.S. Patent No. 6,591,247. This rejection is respectfully traversed with respect to the amended claims.

The *Stern et al.* reference is a reference that is directed toward the concept of attracting a consumer to a kiosk or some such device with a “Barker” routine that provides either an audio or visual stimuli or both to obtain the attention of that consumer when they are proximate to the kiosk. In this way, the consumer may be made aware of the information made available by the kiosk. If the consumer desires to obtain additional information about the product, then information is input to the system through a scanner, this being a user based action. The result will be a

**AMENDMENT AND RESPONSE**

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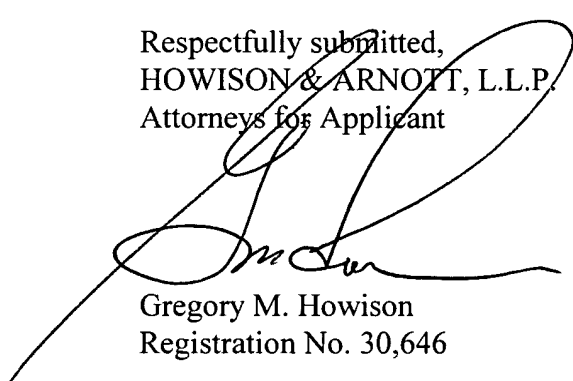
Atty. Dkt. No. PHL-25,509

description of the product scanned being displayed on the monitor and there may actually be an auditory description associated therewith. Thus, the only information that is provided in the broadcast is a visual stimuli. There is not provided any release of a control signal during the presentation of the broadcast, as that action is provided by the user. There is no disclosure set forth in *Stern et al.* that would in any way suggest to one skilled in the art that the control signal is “released” in association with a visual queue during the broadcast such that an input device on the computer can then receive this control signal. The only thing that is sent or released during the broadcast is the visual queue. That visual queue is not something that contains any control information such that there is no control information that is released during the broadcast. Further, this control signal must be associated with the visual queue for the purpose of controlling the computer. There is no such suggestion or disclosure of the release of any type of control signal. The only control that is provided is by the user inputting a UPC to the computer. There is no disclosure that this is done during the broadcast and, further, the UPC has no association with the visual queue during the broadcast. Therefore, Applicant believes that *Stern et al.* does not anticipate or obviate Applicant’s present inventive concept, as defined by the amended claims and, therefore, respectfully requests the withdrawal of the 35 U.S.C. §103 rejection with respect to Claims 1-7, 16-18 and 20.

The remaining claims are dependent claims that have been rejected in view of the combination of *Stern et al.* and *Portuesi* or the combination of *Stern et al.* and *Jensen et al.* or the combination of *Stern et al.* and *Itoh et al.* or the combination of *Stern et al.* and *Ludwig*. The addition of any of these four references does not cure the deficiencies noted hereinabove with respect to *Stern et al.*, these references having been described in previous responses. Therefore, the rejection of the remaining claims under 35 U.S.C. §103(a) is respectfully requested.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,509 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,  
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